

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: October 27, 2003
)	
Mary B. Tolson)	DOCKET NO.: 03F-218
Customer Relations Officer)	
Department of Employment Services)	
134 Mississippi Avenue, SE)	
Washington, DC 20032)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Mary B. Tolson, Customer Relations Officer, Department of Employment Services, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated August 15, 2003, and September 4, 2003, OCF ordered Mary B. Tolson (hereinafter respondent), to appear at scheduled hearings on August 27, 2003 and September 16, 2003 and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On September 16, 2003, respondent contacted OCF by telephone stating she was recuperating from an illness and would not be able to attend the scheduled hearing. Respondent asserted that she filed a Financial Disclosure Statement (FDS) online on June 27, 2003, and that she placed it under the door of OCF's office at 441 – 4th Street, NW. Respondent did not provide an explanation for the filing delinquency. Respondent is a Management Supervisory Service employee.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent is a Management Supervisory Service employee.
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
3. Respondent filed the required Financial Disclosure Statement with OCF online on June 27, 2003.
4. Respondent asserted that she placed a copy of the Financial Disclosure Statement filed online on June 27, 2003 under the door of OCF's office at 441 – 4th Street, NW.
5. OCF has no office at 441 – 4th Street, NW; however, the offices of the Board of Elections and Ethics are located at the referenced address.
6. Respondent is a first-time required FDS filer.
7. Respondent did not appear at the scheduled hearing due to illness.
8. Respondent did not provide an explanation for the filing delinquency.
9. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$250.00 for failing to timely file a Financial Disclosure Statement.

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4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's status as a first-time required filer and a novice to the FDS filing requirements constitute good cause for suspension of the fine. Notwithstanding, respondent is admonished for her failure to provide an explanation for the filing delinquency.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine be hereby suspended in this matter.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3 DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.